

REMARKS

Claims 1-29 are all the claims pending in the application. Claims 3-7 and 10-25 are withdrawn from consideration as being drawn to a non-elected invention. Claims 1, 2, 8, 9 and 26-29 presently stand rejected.

Specifically, claims 1, 2, 9, 9 and 26-29 are rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 2, 8 and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gelardi et al. (USP 4,986,491); Claims 9 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelardi et al. (USP 4,986,491) in view of Saito (USP 4,290,567); Claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelardi et al. (USP 4,986,491) in view of Saito (USP 4,290,567) and further in view of Oishi et al. (USP 4,408,733); and Claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelardi et al. (USP 4,986,491). For the reasons set forth below, Applicant respectfully traverses the rejections and requests favorable disposition of the application.

Argument

Request for Withdrawal of Finality

Initially, Applicant submits that the finality of the Office Action dated November 28, 2003 is improper and, thus, the finality should be withdrawn. On page 9 of the Office Action, the Examiner asserts that "Applicant's amendment necessitated the new ground(s) of rejection..." Specifically, the Examiner asserts that the requirement of a reel presser spring having a bent tip portion located at one end, as recited in claim 26, necessitated the new grounds of rejection. We assume that the Examiner is referring the rejections under the previously uncited reference,

Oishi et al., as the “new grounds of rejection.” Indeed, reference to the newly asserted patent was arguably necessitated by Applicant’s amendments to the claims. However, the Examiner has also asserted a new ground of rejection under 35 U.S.C. § 112, second paragraph, that was not “necessitated” by any amendment. In particular, the alleged offending language, i.e., “cantilever-like”, was in the claims as originally filed and no §112 issue was raised regarding this phrase until now. Accordingly, to the extent that the rejection of claims 1, 2, 8, 9 and 26-29 constitutes a new ground of rejection, the finality of the office action is premature and should be withdrawn.

§112 Rejection

In regard to the rejection of claims 1, 2, 8, 9 and 26-29 under 35 U.S.C. § 112, second paragraph, Applicant has amended claim 1. Specifically, the phrase “cantilever-like” has been replaced with language that defines the reel presser spring as being supported at an inner surface of the upper half of the case body only at a proximal end thereof. Claim 8 has been amended for clarification purposes only and not for any reason related to patentability.

Applicant submits that claim 1, as amended, satisfies all the requirements of 35 U.S.C. § 112. Accordingly, the rejection under 35 U.S.C. § 112, second paragraph, should be withdrawn.

In regard to the §112 rejection of claim 28, Applicant submits that the “open piece portion” refers to a portion referenced by reference number 154a in Fig. 11, which is a portion comprising a surface folded up of the nip-and-anchor portion formed by folding a planar reef plate in a U-shape at its one end. A “convex portion” (154c) provided in this portion may be fitted into “an anchor bole” (158a) formed in “an overhanging portion” (158) hanging over “an

implanted portion" (157) which is vertically provided on the bottom inner surface of the upper half to thus be assuredly fixed.

Prior Art Rejections

In regard to the rejections of claims 1, 2, 8, 9 and 26-29 under 35 U.S.C. §§102 and 103, Applicant submits that none of the prior art of record, either alone or in combination, teaches or suggests a reel presser spring that is detachably mounted to the case body at only a single, proximal, end, as required by the claims. In particular, Gelardi et al. discloses a reel leaf spring 14 which includes "two arms 16 and 18 bent to extend from a planar base 22." As shown in FIGS. 1 and 2, the reel leaf spring of Gelardi et al. attaches to the cassette cover 10 at its midsection 22. Accordingly, Gelardi et al. does not anticipate claim 1 and, thus, the §102 rejection of claims 1, 2, 8 and 27 should be withdrawn. Moreover, none of the other cited prior art references compensates for the deficiency of Gelardi et al. Accordingly, the proposed combination of Gelardi et al. and either Saito and Oishi et al. does not render any of claims 1, 2, 8, 9 and 26-29 obvious. As a result, the §103 rejections of claims 9, 26, 28 and 29 should be withdrawn.

Patentability of New Claims

For additional claim coverage merited by the scope of the invention, Applicant has added new claim 30. Since claim 30 depends from allowable claim 1, claim 30 should be allowable for at least the same reason as claim 1, discussed above. Additionally, however, claim 30 recites independently patentable subject matter since none of the cited prior art of record teaches or

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 10/082,136

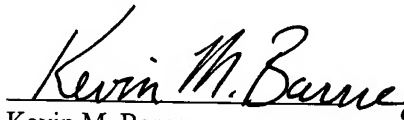
suggests the recited "convex portion operable to pressingly attach to an anchor hole in the overhanging portion of the reel presser spring anchor portion."

Conclusion

In view of the foregoing remarks, the application is believed to be in form for immediate allowance with claims **1, 2, 8, 9, 26-30**, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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23373

CUSTOMER NUMBER

Date: February 28, 2004

Attorney Docket No.: Q66505